

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CR-115
)	(VARLAN/SHIRLEY)
EDGAR ROSAS-JIMINEZ,)	
RIGOBERTO ROSAS-JIMINEZ, and)	
RAMIRO GOMEZ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is now before the Court on Attorney Kim Tollison's Motion to Withdraw as Counsel [Doc. 37], filed on October 19, 2009. The relevant parties appeared before the undersigned on October 22, 2009, for a hearing on the motion to withdraw. Assistant United States Attorney David Lewen appeared on behalf of the Government. Attorney Tollison, appointed counsel for Defendant Edgar Rosas-Jiminez, was present, as were Defendant Edgar Rosas-Jiminez and Attorney Michael McGovern.

Attorney Tollison asks the Court to allow him to withdraw as defense counsel for Defendant Edgar Rosas-Jiminez and to appoint new counsel to replace him. At the hearing, Attorney Tollison explained that he discovered that he had an actual conflict of interest resulting from his representation of another client. The Government had no objection to the motion to withdraw.

Defendant Edgar Rosas-Jiminez is entitled to conflict-free counsel. Accordingly, after carefully considering the positions of the Defendant, defense counsel, and the Government, the Court concludes that Attorney Tollison's motion is well-taken and that good cause exists to substitute new counsel for him. The Motion to Withdraw as Counsel [Doc. 37] is **GRANTED**, and Attorney Tollison is relieved as counsel for Defendant Edgar Rosas-Jiminez. The Court recognizes the need for the Defendant to be continuously represented by counsel. At the October 22, 2009 hearing, Attorney Michael McGovern agreed to undertake representation of the Defendant. The Court therefore and hereby substitutes and appoints Attorney McGovern under the Criminal Justice Act (CJA) as counsel of record for Defendant Edgar Rosas-Jiminez.

IT IS ORDERED:

(1) Attorney Tollison's Motion to Withdraw as Counsel [Doc. 37] is **GRANTED**;
and

(2) Attorney Tollison is relieved as counsel for Defendant Edgar Rosas-Jiminez
and Attorney McGovern is substituted as Defendant Edgar Rosas-Jiminez's
counsel of record under the CJA.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge